

REMARKS

Claims 1-6 are all the claims pending in the application.

Claim Rejections -- 35 U.S.C. § 112

Claims 1–6 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the claims allegedly contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

Applicant has amended claims 1, 5, and 6 to recite “detecting communication obstacles which shield wireless signals” and “making decisions as to communication state quality based on the detection results indicating whether or not there are the communication obstacles shielding wireless signals.” Support for the claim amendments is found, for example, in paragraphs [0003], [0010], [0015], [0021] to [0024], [0033], and [0047]. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of claims 1–6.

Claim Rejections -- 35 U.S.C. § 102(e)

Claims 1–6 stand rejected under 35 U.S.C. § 102(e), for allegedly being anticipated by U.S. Patent 6,665,521 to Gorday et al. (hereinafter “Gorday”). Applicant respectfully disagrees with Examiner’s position.

For example, independent claims 1, 5, and 6 recite the feature of a means for detecting communication obstacles. In rejecting the claims, the Examiner has cited to several portions of Gorday (Figs. 1–4; col. 3, lines 9-28; col. 3, line 67 to col. 4, line 10; col. 5, lines 1–7, 16–26, and 51–57; col. 7 lines 23–33; col. 8, lines 1–4). The cited portions of Gorday disclose a plurality of wireless units *which report* their respective communication states to/from each other, based on

which the communication states of the respective wireless units are detected and then information is transmitted to a “targeted member”.

Gorday shows its communication process in Figs. 2 and 3 and col. 2, line 41 to col. 3, lines 28. For instance, at step 302 shown in Fig. 3 and the detailed disclosure, the wireless unit has "potential partners" as indicated by broken lines in Fig. 2. Also, at step 304 in Fig. 3 and the detailed disclosure, it is shown that each member of the cooperative wireless device reports the quality (good or poor communication state) of the protocol link. In addition, at step 306 in Fig. 3 and the detailed disclosure, it is described that active partner group is selected based on e.g. the protocol link quality.

As described above, according to Gorday's construction, information is transmitted to a targeted wireless unit via a wireless unit or device having better a communication state.

By contrast, the claimed invention does not detect communication states of respective units, but detects a presence or absence of any communication obstacles which can shield wireless signals, as recited, for example, by claim 1. These communications obstacles are tangible objects such as buildings or walls, etc. Based on this detection of the communication obstacle, the communication state (quality) is decided. That is, the technique of the claimed invention determines a good or bad communication state indirectly, so to speak, based on a presence or absence of communication obstacles rather than on actually carrying out some signal or information communication between terminals. Accordingly, Applicant respectfully submits that claim 1 is patentable over Gorday. Claims 5 and 6 each recite features similar to claim 1, and accordingly, Applicant respectfully submits that claims 5 and 6 are also patentable over Gorday for the same reasons.

The remaining claims are patentable based on their respective dependencies.

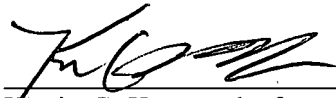
With further regard to claim 3, this claim recites the feature wherein the surrounding environment detection means is an imaging means. In rejecting claim 3, the Examiner has cited to Gorday (Figs. 1-4; col. 3, lines 9-28; col. 5, lines 1-7, 16-26, and 51-57; col. 7 lines 23-33; col. 8, lines 1-4) as allegedly disclosing this feature of claim 3. However, Applicant has reviewed these portions of Gorday, and has found no disclosure relevant to an imaging means. Accordingly, Applicant respectfully submits that claim 3 is patentable over Gorday for this additional reason.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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